



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 4171-99

1 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 9 October 1990 at age 18. The record shows that you received nonjudicial punishment on three occasions for multiple absences from your appointed place of duty. Subsequently, you were processed for an administrative discharge. The discharge processing documentation is not filed in your record and the facts and circumstances which led to your discharge are unknown. The DD Form 214 shows that on 15 November 1993 you were honorably discharged due to a diagnosed personality disorder. At that time you acknowledged that you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Regulations allow for the assignment of an RE-4 reenlistment code when an individual is discharged due to a diagnosed personality disorder. The factors that can be considered in making the reenlistment recommendation include the severity of the personality disorder, any record of misconduct, and pay grade requirements. The Board noted the very brief evaluation done by the Department of Veterans Affairs (DVA) psychologist which concluded, in effect, that you do not have a personality disorder. However, there is no indication that the DVA

psychologist considered the psychiatric evaluation done by the Navy or performed any psychological testing. As indicated the psychiatric evaluation which resulted in your discharge is unavailable to the Board. The Board concluded that, in the absence of evidence to the contrary, you were properly discharged due to a diagnosed personality disorder.

The Board believed that your record of three nonjudicial punishments and the fact that you were serving in pay grade E-1 at the time of discharge were sufficient to support the assignment of the RE-4 reenlistment code even without considering the psychiatric evaluation. Therefore, the Board concluded that a change in the reenlistment code was not warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director